

332-02SEC

AGENCY DKT. NO. 233-7/02

IN THE MATTER OF STEVEN :
WEINGARTNER, MONTAGUE :
BOARD OF EDUCATION, SUSSEX : COMMISSIONER OF EDUCATION
COUNTY. :
DECISION

Whereas, the School Ethics Commission (Commission) has acted pursuant to the authority granted to it by *N.J.S.A.* 18A:12-21 *et seq.* to recommend removal of the above-named Board member from office for failure to attend the Board member training sessions required by *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-1.6; and

Whereas the Commission sent ample notice to the above-named Board member of his failure to attend such training sessions; and

Whereas, pursuant to *N.J.A.C.* 6A:28-1.6(e), on April 23, 2002, the Commission issued an Order to Show Cause why a penalty should not be imposed for such failure; and

Whereas, the above-named Board member informed the Commission by letter dated May 9, 2002 that he misunderstood the requirement for newly elected Board members to complete a training program within one year and that he planned to attend the October 22, 2002 training session; and

Whereas, the Commission voted on July 23, 2002 to recommend that the above-named Board member be suspended from the Board until he attends the October 22, 2002 session and removed if he fails to attend the October 2002 session, and memorialized such

decision through a resolution forwarded to the Commissioner of Education, pursuant to *N.J.S.A.* 18A:12-29; and

Whereas, on July 26, 2002, the above-named Board member was afforded an opportunity to submit to the Commissioner a response to said resolution; and

Whereas, by letter submitted August 2, 2002 by facsimile, the above-named Board member reiterated the basis for his misunderstanding of the training requirement, acknowledging that once he received clarification, he immediately registered for the October 2002 training session, and asserts that either suspension or removal would create an undue hardship both for himself and the Board; and

Whereas, the Commissioner of Education has carefully considered the record of this matter and the decision of the Commission and concurs with and adopts as his own the recommendations of the Commission; now therefore

IT IS ORDERED that the above-named Board member is suspended from office as of the filing of this decision and shall remain suspended pending completion of the requisite training, and, in the event he fails to complete the training session on October 22, 2002, the above-named Board member shall be summarily removed from office as of that date.*

COMMISSIONER OF EDUCATION

Date of Decision: September 5, 2002

Date of Mailing: September 6, 2002

* This decision, as the Commissioner's final determination regarding penalty in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6A:4-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.